

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1014 & 730
93RD GENERAL ASSEMBLY
2006

4947S.25T

AN ACT

To repeal sections 115.105, 115.124, 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, and 115.631, RSMo, and to enact in lieu thereof twenty-two new sections relating to election administration, with penalty provisions and an emergency clause for a certain section.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 115.105, 115.124, 115.126, 115.159, 115.163, 115.223, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, and 115.631, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 115.002, 115.024, 115.105, 115.124, 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, and 115.631, to read as follows:

115.002. Sections 115.002, 115.024, 115.105, 115.124, 115.159, 115.163, 115.203, 115.205, 115.219, 115.225, 115.237, 115.247, 115.249, 115.427, 115.430, 115.431, 115.439, 115.445, 115.449, 115.453, 115.456, and 115.631, may be cited as the "Missouri Voter Protection Act".

115.024. 1. As used in this section, "disaster" means any

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 catastrophic or natural disaster, statewide or nationwide emergency,
3 man-made disaster, civil disorder, insurgency, bioterrorism attack,
4 terrorist attack, or enemy attack.

5 2. The supreme court shall by rule establish a panel in each
6 district of each court of appeals of the state to consider petitions filed
7 under this section. Each panel shall consist of three court of appeals
8 judges from such district, and shall be known as the "Election Panel" of
9 the district in which it is established.

10 3. In the event that any disaster prohibits any election from
11 occurring on the day the election is required to be held under this
12 chapter, the election authority of the city or county in which the
13 election was to be held may petition the election panel of the district
14 in which the city or county is located for the election panel to
15 authorize a relocation of the polling places affected by such disaster,
16 or to schedule a new date upon which the election authority may
17 conduct the election. The petition shall include the following:

18 (1) A description of the event prohibiting the election from
19 occurring;

20 (2) A statement of the reasons the election cannot be held on the
21 day required by law;

22 (3) The election authority's recommendation for relocation of the
23 polling places or the new date upon which the election shall be held;

24 (4) A statement of the plan for providing notice to voters of the
25 new location or new date of the election;

26 (5) A statement that the election authority will be able to
27 conduct the election at the recommended location or on the
28 recommended new date in the same manner as the election would have
29 been conducted had the disaster not occurred.

30 4. If satisfied that the election authority will be unable to
31 conduct the election as required by this chapter and that the
32 recommended relocation of the polling places or new date of the
33 election will allow voters to vote as provided by law, the election panel
34 shall issue an order to the election authority to relocate the polling
35 places or to conduct the election on the new date as set by the election
36 panel.

37 5. The election authority shall provide notice to all voters in the

38 election authority's jurisdiction in the same manner as required for
39 elections by this chapter, provided that the requirements for the date
40 and time of providing such notice in this chapter shall not
41 apply. Notice of the election shall include a copy of the order issued by
42 the election panel.

43 **6. The election authority may use the same ballots that were**
44 **printed for the election that was relocated or rescheduled under this**
45 **section, unless such ballots were damaged, destroyed, lost, or spoiled**
46 **by the disaster.**

47 **7. All procedures for voting, counting of votes, and contesting**
48 **elections required under this section shall apply to any election**
49 **relocated or rescheduled under this section, provided that any**
50 **requirements for deadlines under this chapter that cannot be met**
51 **because of the relocation or rescheduling of the election shall be**
52 **rescheduled by the election panel.**

53 **8. The election authority may appeal any order issued by the**
54 **election panel under this section to the supreme court, and the supreme**
55 **court shall hear such appeal immediately.**

115.105. 1. The chair of the county committee of each political party
2 named on the ballot shall have the right to designate a challenger for each polling
3 place, who may be present during the hours of voting, and a challenger for each
4 location at which absentee ballots are counted, who may be present while the
5 ballots are being prepared for counting and counted. No later than four business
6 days before the election, the chair of each county committee of each political party
7 named on the ballot shall provide signed official designation forms with the
8 names of the designated challengers and substitutes to the local election
9 authority for confirmation of eligibility to serve as a challenger. The local
10 election authority, after verifying the eligibility of each designated and substitute
11 challenger, shall sign off on the official designation forms, unless the challenger
12 is found not to have the qualifications established by subsection 5 of this section.
13 If the election authority determines that a challenger does not meet the
14 qualifications of subsection 5 of this section, the designating party chair may
15 designate a replacement challenger and provide the local election authority with
16 the name of the replacement challenger before 5:00 p.m. of the Monday preceding
17 the election. The designating chair may substitute challengers at his or her
18 discretion during such hours.

19 2. Challenges may only be made when the challenger believes the election
20 laws of this state have been or will be violated, and each challenger shall report
21 any such belief to the election judges, or to the election authority if not satisfied
22 with the decision of the election judges.

23 3. Prior to the close of the polls, challengers may list and give out the
24 names of those who have voted. The listing and giving out of names of those who
25 have voted by a challenger shall not be considered giving information tending to
26 show the state of the count.

27 4. In a presidential primary election, challengers may collect information
28 about the party ballot selected by the voter and may disclose party affiliation
29 information after the polls close.

30 5. All persons selected as challengers shall have the same qualifications
31 required by section 115.085 for election judges, except that such challenger shall
32 be a registered voter in the jurisdiction of the election authority for which the
33 challenger is designated as a challenger.

34 **6. Any challenge by a challenger to a voter's identification for**
35 **validity shall be made only to the election judges or other election**
36 **authority. If the poll challenger is not satisfied with the decision of the**
37 **election judges, then he or she may report his or her belief that the**
38 **election laws of this state have been or will be violated to the election**
39 **authority as allowed under section 115.105.**

115.124. 1. Notwithstanding any other law to the contrary, in a
2 nonpartisan election in any political subdivision or special district except for
3 municipal [and board of trustees of community college districts] elections, if the
4 notice provided for in subsection 5 of section 115.127 has been published in at
5 least one newspaper of general circulation in the district, and if the number of
6 candidates who have filed for a particular office is equal to the number of
7 positions in that office to be filled by the election, no election shall be held for
8 such office, and the candidates shall assume the responsibilities of their offices
9 at the same time and in the same manner as if they had been
10 elected. Notwithstanding any other provision of law to the contrary, if at any
11 election the number of candidates filing for a particular office exceeds the number
12 of positions to be filled at such election, the election authority shall hold the
13 election as scheduled, even if a sufficient number of candidates withdraw from
14 such contest for that office so that the number of candidates remaining after the
15 filing deadline is equal to the number of positions to be filled.

16 2. The election authority or political subdivision responsible for the
17 oversight of the filing of candidates in any nonpartisan election in any political
18 subdivision or special district shall clearly designate where candidates shall form
19 a line to effectuate such filings and determine the order of such filings; except
20 that, in the case of candidates who file a declaration of candidacy with the
21 election authority or political subdivision prior to 5:00 p.m. on the first day for
22 filing, the election authority or political subdivision may determine by random
23 drawing the order in which such candidates' names shall appear on the ballot. If
24 a drawing is conducted pursuant to this subsection, it shall be conducted so that
25 each candidate may draw a number at random at the time of filing. If such
26 drawing is conducted, the election authority or political subdivision shall record
27 the number drawn with the candidate's declaration of candidacy. If such drawing
28 is conducted, the names of candidates filing on the first day of filing for each
29 office on each ballot shall be listed in ascending order of the numbers so drawn.

115.159. 1. Any person who is qualified to register in Missouri shall,
2 upon application, be entitled to register by mail. Upon request, application forms
3 shall be furnished by the election authority or the secretary of state.

4 2. [Notwithstanding any provision of law to the contrary, the election
5 authority shall not deliver any voter identification card to any person who
6 registers to vote by mail until after such person has voted, in person, after
7 presentation of a proper form of identification, for the first time following
8 registration at the new polling place designated by the election authority. An
9 individual who has registered to vote by mail and who desires to vote in person,
10 but who does not present a proper form of identification for the first time
11 following registration, may cast a provisional ballot. Such provisional ballot shall
12 not be counted pursuant to this chapter, and the individual shall be notified of
13 the reason for not counting the ballot.

14 3.] Notwithstanding any provision of law to the contrary, the election
15 authority shall not deliver any absentee ballot to any person who registers to vote
16 by mail until after such person has:

17 (1) Voted, in person, after presentation of a proper form of identification
18 set out in section 115.427, for the first time following registration; or

19 (2) Provided a copy of identification set out in section 115.427 to the
20 election authority.

21 This subsection shall not apply to those persons identified in section 115.283 who
22 are exempted from obtaining a notary seal or signature on their absentee ballots.

23 An individual who has registered to vote by mail but who does not meet the
24 requirements of this subsection may cast a provisional ballot by mail. Such ballot
25 shall not be counted pursuant to this chapter, and the individual shall be notified
26 of the reason for not counting the ballot.

27 [4. Subsections 2 and 3] **3. Subsection 2** of this section shall not apply
28 in the case of a person:

29 (1) Who registers to vote by mail pursuant to Section 6 of the National
30 Voter Registration Act of 1993 and submits **a copy of a current and valid**
31 **photo identification** as part of such registration [either:

32 (a) A copy of a current and valid photo identification; or

33 (b) A copy of a current utility bill, bank statement, government check,
34 paycheck, or government document that shows the name and address of the
35 voter];

36 (2) Who registers to vote by mail pursuant to Section 6 of the National
37 Voter Registration Act of 1993 and:

38 (a) Submits with such registration either a driver's license number, or at
39 least the last four digits of the individual's Social Security number; and

40 (b) With respect to whom the secretary of state matches the information
41 submitted pursuant to paragraph (a) of this subdivision with an existing state
42 identification record bearing the same number, name, and date of birth as
43 provided in such registration;

44 (3) Who is:

45 (a) Entitled to vote by absentee ballot pursuant to the Uniformed and
46 Overseas Citizens Absentee Voting Act;

47 (b) Provided the right to vote otherwise than in person pursuant to
48 Section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped
49 Act; or

50 (c) Entitled to vote otherwise than in person pursuant to any other federal
51 law.

115.163. 1. Each election authority shall [arrange one set of registration
2 cards into permanent binders] **use the "Missouri voter registration system"**
3 **established by section 115.158 to prepare a list of legally registered**
4 **voters** for each precinct[, or it may authorize the creation of computerized lists
5 for each precinct]. The [computerized lists or binder] **list** shall be arranged
6 alphabetically or by street address as the election authority determines and shall
7 be known as the "precinct register". [At least one set of registration cards shall

8 be arranged in a central file in such a manner as the election authority
9 determines, and shall be known as the "headquarters register". The election
10 authority shall be the custodian of the registration records, and no cards or
11 records shall be removed or handled except at its direction and under its
12 supervision.] The precinct registers shall be kept by the election authority in a
13 secure place, except when given to election judges for use at an election. Except
14 as provided in subsection 2 of section 115.157, all registration records shall be
15 open to inspection by the public at all reasonable times.

16 2. [In counties using computer printouts as precinct registers,] A new
17 [computer printout] **precinct register** shall be [printed] **prepared by the**
18 **election authority** prior to each election.

19 3. [In those counties using computer printouts as precinct registers,] The
20 election authority shall send to each voter a voter [identification] **notification**
21 card no later than ninety days prior to the date of a primary or general election
22 for federal office, unless the voter has received such a card during the preceding
23 six months. The voter [identification] **notification** card shall contain the voter's
24 name, address, **and** precinct [and a signature line]. The card **also shall inform**
25 **the voter of the personal identification requirement in section 115.427**
26 **and** may also contain other voting information at the discretion of the election
27 authority. [The voter shall be instructed to sign the card for use as identification
28 at the polls.] The voter [identification] **notification** card shall be sent to a voter
29 after a new registration or a change of address. If any voter shall lose his voter
30 [identification] **notification** card, he may request a new one from the election
31 authority. The voter [identification] **notification** card authorized pursuant to
32 this section may be used as a canvass of voters in lieu of the provisions set out
33 in sections 115.179 to 115.193. Except as provided in subsection 2 of section
34 115.157, anyone, upon request and payment of a reasonable fee, may obtain a
35 printout, list and/or computer tape of those newly registered voters or voters
36 deleted from the voting rolls, since the last canvass or updating of the rolls. The
37 election authority may authorize the use of the postal service contractors under
38 the federal National Change of Address program to identify those voters whose
39 address is not correct on the voter registration records. The election authority
40 shall not be required to mail a voter registration card to those voters whose
41 addresses are incorrect. Confirmation notices to such voters required by section
42 115.193 shall be sent to the corrected address provided by the National Change
43 of Address program.

115.203. 1. No person shall pay or otherwise compensate any
2 other person for registering voters based on the number of:

3 (1) Voters registered by the other person;

4 (2) Voter registration applications collected by the other person;

5 or

6 (3) Voter registration applications submitted to election officials
7 by the other person.

8 2. No person shall receive or accept payment or any other
9 compensation from any other person for registering voters based on the
10 number of:

11 (1) Voters registered by the person receiving or accepting
12 payment or other compensation;

13 (2) Voter registration applications collected by the person
14 receiving or accepting payment or other compensation;

15 (3) Voter registration applications submitted to election officials
16 by the person receiving or accepting payment or other compensation.

17 3. No person who agrees or offers to submit a voter registration
18 application for another person shall knowingly destroy, deface, or
19 conceal such voter registration application.

20 4. Any person who accepts or receives a voter registration
21 application from another person and agrees or offers to submit such
22 application to the election authority for the registrant shall deliver the
23 application to the election authority within seven days of accepting or
24 receiving the application.

25 5. A violation of this section is a class four election offense.

115.205. 1. Any person who is paid or otherwise compensated for
2 soliciting more than ten voter registration applications, other than a
3 governmental entity or a person who is paid or compensated by a
4 governmental entity for such solicitation, shall be registered with the
5 secretary of state as a voter registration solicitor. A voter registration
6 solicitor shall register for every election cycle that begins on the day
7 after the general election and ends on the day of the general election
8 two years later. A voter registration solicitor shall be at least eighteen
9 years of age and shall be a registered voter in the state of Missouri.

10 2. Each voter registration solicitor shall provide the following
11 information in writing to the secretary of state's office:

- 12 (1) The name of the voter registration solicitor;
- 13 (2) The residential address, including street number, city, state,
14 and zip code;
- 15 (3) The mailing address, if different from the residential address;
- 16 (4) Whether the voter registration solicitor expects to be paid for
17 soliciting voter registrations;
- 18 (5) If the voter registration solicitor expects to be paid, the
19 identity of the payor; or
- 20 (6) The signature of the voter registration solicitor.

21 3. The solicitor information required in subsection 2 of this
22 section shall be submitted to the secretary of state's office with the
23 following oath and affirmation:

24 "I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT
25 ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT."

26 4. Any voter registration solicitor who knowingly fails to register
27 with the secretary of state is guilty of a class three election
28 offense. Voter registration applications shall be accepted by the
29 election authority if such applications are otherwise valid, even if the
30 voter registration solicitor who procured the applications fails to
31 register with or submits false information to the secretary of state.

 115.219. 1. Any person who believes a violation of any provision
2 of Title III of the Help America Vote Act of 2002 (HAVA), 42 U.S.C.
3 Sections 15481 to 15485, as amended, has occurred, is occurring, or is
4 about to occur may file a complaint with the elections division of the
5 secretary of state's office.

6 2. Any complaint filed under this section shall:

7 (1) Be in writing, signed, and sworn to before a notary public
8 commissioned by the state of Missouri;

9 (2) Be filed within thirty days of the certification of the election
10 in which the violation is alleged to have occurred and state the
11 following:

12 (a) The name and mailing address of the person or persons
13 alleged to have committed the violation of Title III of HAVA described
14 in the complaint;

15 (b) A description of the act or acts that the person filing the
16 complaint believes is a violation of Title III of HAVA; and

17 (c) The nature of the injury suffered or about to be suffered by
18 the person filing the complaint.

19 3. The elections division shall promptly provide a copy of the
20 complaint by certified mail to:

21 (1) All persons identified in the complaint as possible violators
22 of Title III of HAVA; and

23 (2) The election authority in whose jurisdiction the violation is
24 alleged to have occurred or is about to occur.

25 4. The elections division may consolidate complaints filed under
26 this section.

27 5. Upon the proper filing of a complaint under this section, the
28 secretary of state shall appoint a presiding officer who shall conduct
29 an investigation of the complaint.

30 6. At the request of the person filing the complaint or if the
31 presiding officer believes that the circumstances so dictate, the
32 presiding officer shall conduct a hearing on the complaint and prepare
33 a record on the hearing, such hearing to be conducted within ten days
34 of the request of the person filing the complaint.

35 7. Upon completion of the investigation, the presiding officer
36 shall submit the results to the elections division, which shall then issue
37 a written report. The elections division shall provide a copy of the
38 report by certified mail to:

39 (1) The person who filed the complaint;

40 (2) The person or persons alleged to have committed the
41 violation; and

42 (3) The election authority in whose jurisdiction the violation is
43 alleged to have occurred.

44 8. The report described in subsection 7 of this section shall:

45 (1) Indicate the date when the complaint was received by the
46 elections division;

47 (2) Contain findings of fact regarding the alleged violation and
48 state whether a violation of Title III of HAVA has occurred;

49 (3) State what steps, if any, the person or persons alleged to have
50 committed a violation have taken to correct or prevent any recurrence;

51 (4) Suggest any additional measures that could be taken to
52 correct the violation;

53 **(5) Indicate the date a violation was corrected or is expected to**
54 **be corrected;**

55 **(6) Provide any additional information or recommendations**
56 **useful in resolving the complaint.**

57 **9. If the elections division determines that there is a violation of**
58 **Title III of HAVA, the elections division shall determine and provide**
59 **the appropriate remedy, as authorized by law to do so. If the elections**
60 **division determines that it is not authorized by law to provide an**
61 **appropriate remedy, the elections division shall, if possible, refer the**
62 **matter to the appropriate agency or office that has jurisdiction.**

115.225. 1. Before use by election authorities in this state, the secretary
2 of state shall approve the marking devices and the automatic tabulating
3 equipment used in electronic voting systems and may promulgate rules and
4 regulations to implement the intent of sections 115.225 to 115.235.

5 2. No electronic voting system shall be approved unless it:

6 (1) Permits voting in absolute secrecy;

7 (2) Permits each voter to vote for as many candidates for each office as a
8 voter is lawfully entitled to vote for;

9 (3) Permits each voter to vote for or against as many questions as a voter
10 is lawfully entitled to vote on, and no more;

11 (4) Provides facilities for each voter to cast as many write-in votes for
12 each office as a voter is lawfully entitled to cast;

13 (5) [Permits each voter at a general election to vote for all candidates of
14 one party by one punch or mark or to vote a split ticket, as a voter desires;

15 (6)] Permits each voter in a primary election to vote for the candidates of
16 only one party announced by the voter in advance;

17 [(7)] **(6)** Permits each voter at a presidential election to vote by use of a
18 single punch or mark for the candidates of one party or group of petitioners for
19 president, vice president and their presidential electors;

20 [(8)] **(7)** Accurately counts all proper votes cast for each candidate and
21 for and against each question;

22 [(9)] **(8)** Is set to reject all votes, except write-in votes, for any office and
23 on any question when the number of votes exceeds the number a voter is lawfully
24 entitled to cast;

25 [(10)] **(9)** Permits each voter, while voting, to clearly see the ballot label;

26 [(11)] **(10)** Has been tested and is certified by an independent authority

27 that meets the voting system standards developed by the Federal Election
28 Commission or its successor agency. The provisions of this subdivision shall not
29 be required for any system purchased prior to August 28, 2002.

30 3. The secretary of state shall promulgate rules and regulations to allow
31 the use of a computerized voting system. The procedures shall provide for the use
32 of a computerized voting system with the ability to provide a paper audit
33 trail. Notwithstanding any provisions of this chapter to the contrary, such a
34 system may allow for the storage of processed ballot materials in an electronic
35 form.

36 4. Any rule or portion of a rule, as that term is defined in section 536.010,
37 RSMo, that is created under the authority delegated in this section shall become
38 effective only if it complies with and is subject to all of the provisions of chapter
39 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
40 536, RSMo, are nonseverable and if any of the powers vested with the general
41 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
42 or to disapprove and annul a rule are subsequently held unconstitutional, then
43 the grant of rulemaking authority and any rule proposed or adopted after August
44 28, 2002, shall be invalid and void.

115.237. 1. Each ballot printed or designed for use with an electronic
2 voting system for any election pursuant to this chapter shall contain all questions
3 and the names of all offices and candidates certified or filed pursuant to this
4 chapter and no other. As far as practicable, all questions and the names of all
5 offices and candidates for which each voter is entitled to vote shall be printed on
6 one page except for the ballot for political party committee persons in polling
7 places not utilizing an electronic voting system which may be printed separately
8 and in conformity with the requirements contained in this section. As far as
9 practicable, ballots containing only questions and the names of nonpartisan
10 offices and candidates shall be printed in accordance with the provisions of this
11 section, except that the ballot information may be listed in vertical or horizontal
12 rows. The names of candidates for each office shall be listed in the order in
13 which they are filed.

14 2. Except as provided in subsection [4] 5 of this section, each ballot shall
15 have:

16 (1) Each party name printed in capital letters not less than eighteen point
17 in size;

18 (2) [A circle one-half inch in diameter immediately below each party

19 name;

20 (3)] The name of each office printed in capital letters not less than eight
21 point in size;

22 [(4)] (3) The name of each candidate printed in capital letters not less
23 than ten point in size;

24 [(5)] (4) A small square, the sides of which shall not be less than
25 one-fourth inch in length, printed directly to the left of each candidate's name and
26 on the same line as the candidate's name. When write-in votes are authorized
27 and no candidate's name is to be printed under the name of an office in a party
28 or nonpartisan column, under the name of the office in the column shall be
29 printed a square. Directly to the right of the square shall be printed a horizontal
30 line on which the voter may vote for a person whose name does not appear on the
31 ballot. When more than one position is to be filled for an office, and the number
32 of candidates' names under the office in a column is less than the number of
33 positions to be filled, the number of squares and write-in lines printed in the
34 column shall equal the difference between the number of candidates' names and
35 the number of positions to be filled;

36 [(6)] (5) The list of candidates of each party and all nonpartisan
37 candidates placed in separate columns with a heavy vertical line between each
38 list;

39 [(7)] (6) A horizontal line extending across the ballot three-eighths of an
40 inch below the last name or write-in line under each office in such a manner that
41 the names of all candidates and all write-in lines for the same office appear
42 between the same horizontal lines. If write-in votes are not authorized, the
43 horizontal line shall extend across the ballot three-eighths of an inch below the
44 name of the last candidate under each office;

45 [(8)] (7) In a separate column or beneath a heavy horizontal line under
46 all names and write-in lines, all questions;

47 [(9)] (8) At least three-eighths of an inch below all other matter on the
48 ballot, printed in ten-point Gothic type, the words "Instructions to Voters"
49 followed by directions to the voter on marking the ballot as provided in section
50 115.439;

51 [(10)] (9) Printed at the top on the face of the ballot the words "Official
52 Ballot" followed by the date of the election and the statement "Instruction to
53 Voters: Place an X in the square opposite the name of the person for whom you
54 wish to vote.".

55 3. As nearly as practicable, each ballot shall be in substantially the
56 following form:

57 OFFICIAL BALLOT

DATE

58	REPUBLICAN	DEMOCRATIC	THIRD PARTY	INDEPENDENT
59	[<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
60	For President	For President	For President	For President
61	and	and	and	and
62	Vice President	Vice President	Vice President	Vice President
63	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
64	For	For	For	For
65	United States	United States	United States	United States
66	Senator	Senator	Senator	Senator
67	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
68	For Governor	For Governor	For Governor	For Governor
69	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
70	For Lieutenant	For Lieutenant	For Lieutenant	For Lieutenant
71	Governor	Governor	Governor	Governor
72	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
73	For Secretary	For Secretary	For Secretary	For Secretary
74	of State	of State	of State	of State
75	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
76	For Treasurer	For Treasurer	For Treasurer	For Treasurer
77	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
78	For Attorney	For Attorney	For Attorney	For Attorney
79	General	General	General	General
80	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
81	For	For	For	For
82	United States	United States	United States	United States
83	Representative	Representative	Representative	Representative
84	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
85	For State	For State	For State	For State
86	Senator	Senator	Senator	Senator
87	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
88	For State	For State	For State	For State
89	Representative	Representative	Representative	Representative
90	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
91	For Circuit	For Circuit	For Circuit	For Circuit
92	Judge	Judge	Judge	Judge
93	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

94 4. **No ballot printed or designed for use with an electronic voting**
95 **system for any partisan election held under this chapter shall allow a**
96 **person to vote a straight political party ticket. For purposes of this**
97 **subsection, a "straight political party ticket" means voting for all of the**
98 **candidates for elective office who are on the ballot representing a**
99 **single political party by a single selection on the ballot.**

100 5. The secretary of state shall promulgate rules that specify uniform
101 standards for ballot layout for each electronic or computerized ballot counting
102 system approved under the provisions of section 115.225 so that the ballot used
103 with any counting system is, where possible, consistent with the intent of this
104 section. Nothing in this section shall be construed to require the format specified
105 in this section if it does not meet the requirements of the ballot counting system
106 used by the election authority.

107 [5.] 6. Any rule or portion of a rule, as that term is defined in section
108 536.010, RSMo, that is created under the authority delegated in this section shall
109 become effective only if it complies with and is subject to all of the provisions of
110 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
111 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
112 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
113 date or to disapprove and annul a rule are subsequently held unconstitutional,
114 then the grant of rulemaking authority and any rule proposed or adopted after
115 August 28, 2002, shall be invalid and void.

115.247. 1. Each election authority shall provide all ballots for every
2 election within its jurisdiction. Ballots other than those printed by the election
3 authority in accordance with sections 115.001 to 115.641 and [sections 51.450
4 and] **section** 51.460, RSMo, shall not be cast or counted at any election.

5 2. Whenever it appears that an error has occurred in any publication
6 required by sections 115.001 to 115.641 and [sections 51.450 and] **section** 51.460,
7 RSMo, or in the printing of any ballot, any circuit court may, upon the application
8 of any voter, order the appropriate election authorities to correct the error or to
9 show cause why the error should not be corrected.

10 3. For each election[,] **held in a county with a charter form of**
11 **government and with more than two hundred fifty thousand but fewer**
12 **than three hundred fifty thousand inhabitants,** the election authority
13 [shall] **may** provide for each polling place in its jurisdiction fifty-five ballots for
14 each fifty and fraction of fifty voters registered in the voting district at the time

15 of the election. For each election, except a general election, held in any
16 county other than a county with a charter form of government and with
17 more than two hundred fifty thousand but fewer than three hundred
18 fifty thousand inhabitants, the election authority shall provide for each
19 polling place in its jurisdiction a number of ballots equal to at least one
20 and one-third times the number of ballots cast in the voting district
21 served by such polling place at the election held two years before at
22 that polling place or at the polling place that served the voting district
23 in the previous election. For each general election held in any county
24 other than a county with a charter form of government and with more
25 than two hundred fifty thousand but fewer than three hundred fifty
26 thousand inhabitants, the election authority shall provide for each
27 polling place in its jurisdiction a number of ballots equal to one and
28 one-third times the number of ballots cast in the voting district served
29 by such polling place or at the polling place that served the voting
30 district in the general election held four years prior. When
31 determining the number of ballots to provide for each polling place, the
32 election authority shall consider any factors that would affect the
33 turnout at such polling place. The election authority shall keep a record of
34 the exact number of ballots delivered to each polling place. For purposes of this
35 subsection, the election authority shall not be required to count registered voters
36 designated as inactive pursuant to section 115.193.

37 4. After the polls have closed on every election day, the election judges
38 shall return all unused ballots to the election authority with the other election
39 supplies. [All unused ballots delivered to the election authority may be
40 distributed by the election authority to schools in its jurisdiction. Before
41 distribution, all unused ballots shall be stamped "void" or otherwise altered by
42 the election authority.]

43 5. All ballots cast in public elections shall be printed and distributed at
44 public expense, payable as provided in sections 115.061 to 115.077.

115.249. No voting machine shall be used unless it

- 2 (1) Permits voting in absolute secrecy;
- 3 (2) Permits each voter to vote for as many candidates for each office as he
4 is lawfully entitled to vote for, and no other;
- 5 (3) Permits each voter to vote for or against as many questions as he is
6 lawfully entitled to vote on, and no more;

7 (4) Provides facilities for each voter to cast as many write-in votes for
8 each office as he is lawfully entitled to cast;

9 (5) [Permits each voter at a general election to vote for all candidates of
10 one party by use of a single lever or to vote a split ticket, as he desires;

11 (6)] Permits each voter in a primary election to vote for the candidates of
12 only one party announced by the voter in advance;

13 [(7)] (6) Permits each voter at a presidential election to vote by use of a
14 single lever for the candidates of one party or group of petitioners for president,
15 vice president and their presidential electors;

16 [(8)] (7) Correctly registers or records and accurately counts all votes
17 cast for each candidate and for and against each question;

18 [(9)] (8) Is provided with a lock or locks which prevent any movement of
19 the voting or registering mechanism and any tampering with the mechanism;

20 [(10)] (9) Is provided with a protective counter or other device whereby
21 any operation of the machine before or after an election will be detected;

22 [(11)] (10) Is provided with a counter which shows at all times during
23 the election how many people have voted on the machine;

24 [(12)] (11) Is provided with a proper light which enables each voter,
25 while voting, to clearly see the ballot labels;

26 [(13)] (12) Is provided with a mechanical model, illustrating the manner
27 of voting on the machine, suitable for the instruction of voters.

115.427. 1. Before receiving a ballot, voters shall [identify themselves]
2 **establish their identity and eligibility to vote at the polling place** by
3 presenting a form of personal identification [from the following list:

4 (1) Identification issued by the state of Missouri, an agency of the state,
5 or a local election authority of the state;

6 (2) Identification issued by the United States government or agency
7 thereof;

8 (3) Identification issued by an institution of higher education, including
9 a university, college, vocational and technical school, located within the state of
10 Missouri;

11 (4) A copy of a current utility bill, bank statement, government check,
12 paycheck or other government document that contains the name and address of
13 the voter;

14 (5) Driver's license or state identification card issued by another state; or

15 (6) Other identification approved by the secretary of state under rules

16 promulgated pursuant to subsection 3 of this section other identification approved
17 by federal law.

18 Personal knowledge of the voter by two supervising election judges, one from each
19 major political party, shall be acceptable voter identification upon the completion
20 of a secretary of state-approved affidavit that is signed by both supervisory
21 election judges and the voter that attests to the personal knowledge of the voter
22 by the two supervisory election judges. The secretary of state may provide by
23 rule for a sample affidavit to be used for such purpose]. **"Personal**
24 **identification" shall mean only one of the following:**

25 (1) **Nonexpired Missouri driver's license showing the name and**
26 **a photograph or digital image of the individual; or**

27 (2) **Nonexpired or nonexpiring Missouri nondriver's license**
28 **showing the name and a photographic or digital image of the**
29 **individual; or**

30 (3) **A document that satisfies all of the following requirements:**

31 (a) **The document contains the name of the individual to whom**
32 **the document was issued, and the name substantially conforms to the**
33 **most recent signature in the individual's voter registration record;**

34 (b) **The document shows a photographic or digital image of the**
35 **individual;**

36 (c) **The document includes an expiration date, and the document**
37 **is not expired, or if expired, expired not before the date of the most**
38 **recent general election; and**

39 (d) **The document was issued by the United States or the state of**
40 **Missouri; or**

41 (4) **Any identification containing a photographic or digital image**
42 **of the individual which is issued by the Missouri National Guard, the**
43 **United States armed forces, or the United States Department of Veteran**
44 **Affairs to a member or former member of the Missouri National Guard**
45 **or the United States armed forces and that does not have an expiration**
46 **date.**

47 2. **The election authority shall post a clear and conspicuous**
48 **notice at each polling place informing each voter who appears at the**
49 **polling place without a form of personal identification that satisfies the**
50 **requirements of subsection 1 of this section that the voter may return**
51 **to the polling place with a proper form of personal identification and**

52 vote a regular ballot after election judges have verified the voter's
53 identity and eligibility under subsection 1 of this section. In addition
54 to such posting, the election judges may also inform such voters by
55 written or oral communication, of such information posted in the
56 notice. Voters who return to the polling place during the uniform
57 polling hours established by section 115.407 with a current and valid
58 form of personal identification shall be given priority in any voting
59 lines.

60 3. An individual who appears at a polling place without
61 identification in the form described in subsection 1 of this section and
62 who is otherwise qualified to vote at that polling place may execute an
63 affidavit averring that the voter is the person listed in the precinct
64 register and that the voter does not possess a form of identification
65 specified in this section and is unable to obtain a current and valid
66 form of personal identification because of:

67 (1) A physical or mental disability or handicap of the voter, if the
68 voter is otherwise competent to vote under Missouri law; or

69 (2) A sincerely held religious belief against the forms of personal
70 identification described in subsection 1 of this section; or

71 (3) The voter being born on or before January 1, 1941.

72 Upon executing such affidavit, the individual may cast a provisional
73 ballot. Such provisional ballot shall be counted, provided the election
74 authority verifies the identity of the individual by comparing that
75 individual's signature to the signature on file with the election
76 authority and determines that the individual was eligible to cast a
77 ballot at the polling place where the ballot was cast.

78 4. The affidavit to be used for voting under subsection 3 of this
79 section shall be substantially in the following form:

80 "State of

81 County of

82 I do solemnly swear (or affirm) that my name is;
83 that I reside at; and that I am the person listed
84 in the precinct register under this name and at this address. I further
85 swear (or affirm) that I am unable to obtain a current and valid form
86 of personal identification because of:

87 ☐ A physical or mental disability or handicap; or

88 ☐ A sincerely held religious belief; or

89 ☐ My being born on or before January 1, 1941.

90 I understand that knowingly providing false information is a violation
91 of law and subjects me to possible criminal prosecution.

92

93 Signature of voter

94 Subscribed and affirmed before me this day of, 20....

95

96 Signature of election official"

97 5. A voter shall be allowed to cast a provisional ballot under
98 section 115.430 even if the election judges cannot establish the voter's
99 identity under subsection 1 of this section. The election judges shall
100 make a notation on the provisional ballot envelope to indicate that the
101 voter's identity was not verified. The provisional ballot cast by such
102 voter shall not be counted unless:

103 (1) The voter returns to the polling place during the uniform
104 polling hours established by section 115.407 and provides a form of
105 personal identification that allows the election judges to verify the
106 voter's identity as provided in subsection 1 of this section; and

107 (2) The provisional ballot otherwise qualifies to be counted
108 under section 115.430.

109 6. The secretary of state shall provide advance notice of the
110 personal identification requirements of subsection 1 of this section in
111 a manner calculated to inform the public generally of the requirement
112 for photographic personal identification as provided in this
113 section. Such advance notice shall include, at a minimum, the use of
114 advertisements and public service announcements in print, broadcast
115 television, radio, and cable television media, as well as the posting of
116 information on the opening pages of the official state Internet web sites
117 of the secretary of state and governor.

118 7. The provisions of section 136.055, RSMo, and section 302.181,
119 RSMo, notwithstanding, any applicant who requests a nondriver's
120 license with a photograph or digital image for the purpose of voting
121 shall not be required to pay a fee if the applicant executes an affidavit
122 averring that the applicant does not have any other form of

123 **photographic personal identification that meets the requirements of**
124 **subsection 1 of this section. The state of Missouri shall pay the legally**
125 **required fees for any such applicant. The director shall design an**
126 **affidavit to be used for this purpose. However, any disabled or elderly**
127 **person otherwise competent to vote shall be issued a nondriver's**
128 **license photo identification through a mobile processing system**
129 **operated by the Missouri department of revenue upon request if the**
130 **individual is physically unable to otherwise obtain a nondriver's**
131 **license photo identification. The department of revenue shall make**
132 **nondriver's license photo identifications available through its mobile**
133 **processing system only at facilities licensed under chapter 198, RSMo,**
134 **and other public places accessible to and frequented by disabled and**
135 **elderly persons. The department shall provide advance notice of the**
136 **times and places when the mobile processing system will be available.**
137 **At least nine mobile units housed under the office of administration**
138 **shall remain available for dispatch upon the request of the department**
139 **of revenue to fulfill the requirements of this section. The total cost**
140 **associated with nondriver's license photo identification under this**
141 **subsection shall be borne by the state of Missouri from funds**
142 **appropriated to the department of revenue for that specific**
143 **purpose. The department of revenue and a local election authority may**
144 **enter into a contract that allows the local election authority to assist**
145 **the department in issuing nondriver's license photo identifications.**

146 **8. The director of the department of revenue shall, by January**
147 **first of each year, prepare and deliver to each member of the general**
148 **assembly a report documenting the number of individuals who have**
149 **requested and received a nondriver's license photo identification for**
150 **the purposes of voting under this section. The report shall also include**
151 **the number of persons requesting a nondriver's license for purposes of**
152 **voting under this section, but not receiving such license, and the**
153 **reason for the denial of the nondriver's license.**

154 **9. The precinct register shall serve as the voter identification**
155 **certificate. The following form shall be printed at the top of each page of the**
156 **precinct register:**

157 **VOTER'S IDENTIFICATION CERTIFICATE**

158 **Warning: It is against the law for anyone to vote, or attempt to vote, without**

159 having a lawful right to vote.

160 PRECINCT

161 WARD OR TOWNSHIP

162 GENERAL (SPECIAL, PRIMARY) ELECTION

163 Held, 20....

164 Date

165 I hereby certify that I am qualified to vote at this election by signing my name
166 and verifying my address by signing my initials next to my address.

167 [3.] 10. The secretary of state shall promulgate rules to effectuate the
168 provisions of this section.

169 [4.] 11. Any rule or portion of a rule, as that term is defined in section
170 536.010, RSMo, that is created under the authority delegated in this section shall
171 become effective only if it complies with and is subject to all of the provisions of
172 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
173 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
174 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
175 date or to disapprove and annul a rule are subsequently held unconstitutional,
176 then the grant of rulemaking authority and any rule proposed or adopted after
177 August 28, 2002, shall be invalid and void.

178 [5.] 12. If any voter is unable to sign his name at the appropriate place
179 on the certificate or computer printout, an election judge shall print the name and
180 address of the voter in the appropriate place on the precinct register, the voter
181 shall make his mark in lieu of signature, and the voter's mark shall be witnessed
182 by the signature of an election judge.

183 13. For any election held on or before November 1, 2008, an
184 individual who appears at a polling place without identification in the
185 form described in subsection 1 of this section, and who is otherwise
186 qualified to vote at that polling place, may cast a provisional ballot
187 after:

188 (1) Executing an affidavit which is also signed by two
189 supervising election judges, one from each major political party, who
190 attest that they have personal knowledge of the identity of the voter,
191 provided that the two supervising election judges who sign an affidavit
192 under this subdivision shall not be involved or participate in the
193 verification of the voter's eligibility by the election authority after the
194 provisional ballot is cast; or

- 195 **(2) (a) Executing an affidavit affirming his or her identity; and**
196 **(b) Presenting a form of identification from the following list:**
197 **a. Identification issued by the state of Missouri, an agency of the**
198 **state, or a local election authority of the state;**
199 **b. Identification issued by the United States government or**
200 **agency thereof;**
201 **c. Identification issued by an institution of higher education,**
202 **including a university, college, vocational and technical school, located**
203 **within the state of Missouri;**
204 **d. A copy of a current utility bill, bank statement, government**
205 **check, paycheck, or other government document that contains the name**
206 **and address of the voter; or**
207 **e. Driver's license or state identification card issued by another**
208 **state.**

209 **Such provisional ballot shall be entitled to be counted, provided the**
210 **election authority verifies the identity of the individual by comparing**
211 **that individual's signature to the current signature on file with the**
212 **election authority and determines that the individual was otherwise**
213 **eligible to cast a ballot at the polling place where the ballot was cast.**

214 **14. The affidavit to be used for voting under subsection 13 of this**
215 **section shall be substantially in the following form:**

216 **"State of**

217 **County of**

218 **I do solemnly swear (or affirm) that my name is;**
219 **that I reside at; and that I am the person listed**
220 **in the precinct register under this name and at this address.**

221 **I understand that knowingly providing false information is a violation**
222 **of law and subjects me to possible criminal prosecution.**

223 **.....**

224 **Signature of voter**

225 **Subscribed and affirmed before me this day of, 20....**

226 **.....**

227 **Signature of Election Official".**

228 **15. The provisions of subsections 1 to 5 and 8 to 14 of this section**
229 **shall become effective August 28, 2006, and this subsection shall expire**
230 **September 1, 2006.**

115.430. 1. This section shall apply to primary and general elections
2 where candidates for federal or statewide offices are nominated or elected and
3 any election where statewide issue or issues are submitted to the voters.

4 2. **(1)** A voter claiming to be properly registered in the jurisdiction of the
5 election authority and eligible to vote in an election, but whose eligibility **at that**
6 **precinct** cannot be immediately established upon examination of the precinct
7 register [or upon examination of the records on file with the election authority],
8 shall be entitled to vote a provisional ballot after providing a form of personal
9 identification required pursuant to section 115.427 **or upon executing an**
10 **affidavit under section 115.427**, or may vote at a central polling place as
11 established in section 115.115 where [they] **the voter** may vote [their] **his or**
12 **her** appropriate ballot **for his or her precinct of residence** upon verification
13 of eligibility or vote a provisional ballot if eligibility cannot be determined. The
14 provisional ballot [contained in] **provided to a voter under** this section shall
15 [contain the statewide candidates and issues, and federal candidates. The
16 congressional district on the provisional ballot shall be for the address contained
17 on] **be the ballot provided to a resident of the voter's precinct**
18 **determined by reference to** the affidavit provided for in this section. If the
19 voter declares that the voter is eligible to vote and the election authority
20 determines that the voter is eligible to vote at another polling place, the voter
21 shall be directed to the correct polling place or a central polling place as
22 established by the election authority pursuant to subsection 5 of section 115.115.
23 If the voter refuses to go to the correct polling place or a central polling place, the
24 voter shall be permitted to vote a provisional ballot at the incorrect polling place,
25 but such ballot shall not be counted **if the voter was not eligible to vote at**
26 **that polling place.**

27 **(2)** The following steps shall be taken to establish a voter's
28 eligibility to vote at a polling place:

29 **(a)** The election judge shall examine the precinct register as
30 **provided in section 115.425. If the voter is registered and eligible to**
31 **vote at the polling place, the voter shall receive a regular ballot;**

32 **(b)** If the voter's eligibility cannot be immediately established by
33 **examining the precinct register, the election judge shall contact the**
34 **election authority. If the election authority cannot immediately**
35 **establish that the voter is registered and eligible to vote at the polling**
36 **place upon examination of the Missouri voter registration system, or if**

37 the election judge is unable to make contact with the election authority
38 immediately, the voter shall be notified that the voter is entitled to a
39 provisional ballot.

40 (3) The voter shall have the duty to appear and vote at the
41 correct polling place. If an election judge determines that the voter is
42 not eligible to vote at the polling place at which a voter presents
43 himself or herself, and if the voter appears to be eligible to vote at
44 another polling place, the voter shall be informed that he or she may
45 cast a provisional ballot at the current polling place or may travel to
46 the correct polling place or a central polling place, as established by
47 the election authority under subsection 5 of section 115.115, where the
48 voter may cast a regular ballot or provisional ballot if the voter's
49 eligibility still cannot be determined. Provisional ballots cast at a
50 polling place shall be counted only if the voter was eligible to vote at
51 such polling place as provided in subsection 5 of this section.

52 (4) For a voter requesting an absentee ballot in person, such
53 voter shall be entitled to cast a provisional ballot when the voter's
54 eligibility cannot be immediately established upon examination of the
55 precinct registers or the Missouri voter registration system.

56 (5) Prior to accepting any provisional ballot at the polling place,
57 the election judges shall determine that the information provided on
58 the provisional ballot envelope by the provisional voter is consistent
59 with the identification provided by such person under section 115.427.

60 3. (1) No person shall be entitled to receive a provisional ballot
61 until such person has completed a provisional ballot affidavit on the
62 provisional ballot envelope.

63 (2) The secretary of state shall produce appropriate sizes of
64 provisional ballot envelopes and distribute them to each election
65 authority according to their tabulating system. All provisional ballot
66 envelopes shall be printed on a distinguishable color of paper that is
67 different from the color of the regular ballot. The provisional ballot
68 envelope shall be in the form required by subsection 4 of this
69 section. All provisional ballots shall be marked with a conspicuous
70 stamp or other distinguishing mark that makes them readily
71 distinguishable from the regular ballots.

72 [3.] (3) Once voted, the provisional ballot shall be placed and sealed in

73 a provisional ballot envelope.

74 4. The provisional ballot in its envelope shall be deposited in the ballot
75 box. The provisional ballot envelope shall be completed by the voter for use in
76 determining eligibility. The provisional ballot envelope specified in this section
77 shall contain a voter's certificate which shall be in substantially the following
78 form:

79 STATE OF

80 COUNTY OF

81 I do solemnly swear (or affirm) that my name is;
82 that my date of birth is; that the last four digits of my Social
83 Security Number are; that I am registered to vote in
84 County or City (if a City not within a County), Missouri; that
85 I am a qualified voter of said County (or City not within a County); that I am
86 eligible to vote at this polling place; and that I have not voted in this election.

87 I understand that if the above-provided information is not correct and the
88 election authority determines that I am not registered and eligible to vote, my
89 vote will not be counted. I further understand that knowingly providing false
90 information is a violation of law and subjects me to possible criminal prosecution.

91

92 (Signature of Voter)

93

94 (Current Address)

95 Subscribed and affirmed before me this day of, 20.....

96

97 (Signature of Election Official)

98 The voter may provide additional information to further assist the election
99 authority in determining eligibility, including the place and date the voter
100 registered to vote, if known.

101 [4.] **5. (1)** Prior to [certification of the election] **counting any**
102 **provisional ballot**, the election authority shall determine if the voter is
103 registered and [entitled] **eligible** to vote and if the vote was properly cast. **The**
104 **eligibility of provisional votes shall be determined according to the**
105 **requirements for a voter to cast a ballot in the election as set forth in**
106 **sections 115.133 and 115.135. A provisional voter ballot shall not be**
107 **eligible to be counted until the election authority has determined that:**

108 **(a) The voter cast such provisional ballot at a polling place**

109 established for the voter or the central polling place established by the
110 election authority under subsection 5 of section 115.115;

111 (b) The individual who cast the provisional ballot is an
112 individual registered to vote in the respective election at the polling
113 place where the ballot was cast;

114 (c) The voter did not otherwise vote in the same election by
115 regular ballot, absentee ballot, or otherwise; and

116 (d) The information on the provisional ballot envelope is found
117 to be correct, complete, and accurate.

118 (2) When the ballot boxes are delivered to the election authority
119 from the polling places, the receiving teams shall separate the
120 provisional ballots from the rest of the ballots and place the sealed
121 provisional ballot envelopes in a separate container. Teams of election
122 authority employees or teams of election judges with each team
123 consisting of one member of each major political party shall photocopy
124 each provisional ballot envelope, such photocopy to be used by the
125 election authority to determine provisional voter eligibility. The sealed
126 provisional ballot envelopes shall be placed by the team in a sealed
127 container and shall remain therein until tabulation.

128 (3) To determine whether a provisional ballot is valid and
129 entitled to be counted, the election authority shall examine its records
130 and verify that the provisional voter is properly registered and eligible
131 to vote in the election. If the provisional voter has provided
132 information regarding the registration agency where the provisional
133 voter registered to vote, the election authority shall make an inquiry
134 of the registration agency to determine whether the provisional voter
135 is properly registered and eligible to vote in the election.

136 (4) If the election authority determines that the provisional voter
137 is registered and eligible to vote in the election, the election authority
138 shall provide documentation verifying the voter's eligibility. Such
139 documentation shall be noted on the copy of the provisional ballot
140 envelope and shall contain substantially the following information:

141 (a) The name of the provisional voter;

142 (b) The name of the reviewer;

143 (c) The date and time; and

144 (d) A description of evidence found that supports the voter's

145 **eligibility.**

146 **(5) The local election authority shall record on a provisional**
147 **ballot acceptance/rejection list the provisional ballot identification**
148 **number and a notation marking it as accepted.**

149 **(6) If the election authority determines that the provisional voter**
150 **is not registered or eligible to vote in the election, the election**
151 **authority shall provide documentation verifying the voter's**
152 **ineligibility. Such documentation shall be noted on the copy of the**
153 **provisional ballot envelope and shall contain substantially the**
154 **following information:**

155 **(a) The name of the provisional voter;**

156 **(b) The name of the reviewer;**

157 **(c) The date and time;**

158 **(d) A description of why the voter is ineligible.**

159 **(7) The local election authority shall record on a provisional**
160 **ballot acceptance/rejection list the provisional ballot identification**
161 **number and notation marking it as rejected.**

162 **(8) If rejected, a photocopy of the envelope shall be made and**
163 **used by the election authority as a mail-in voter registration. The**
164 **actual provisional ballot envelope shall be kept as ballot material, and**
165 **the copy of the envelope shall be used by the election authority for**
166 **registration record keeping.**

167 **6. All provisional ballots cast by voters whose eligibility has been**
168 **verified as provided in this section shall be counted in accordance with**
169 **the rules governing ballot tabulation. Provisional ballots shall not be**
170 **counted until all provisional ballots are determined either eligible or**
171 **ineligible and all provisional ballots must be processed before the**
172 **election is certified.** The provisional ballot shall be counted only if the election
173 authority determines that the voter is registered and [entitled] **eligible** to
174 vote. Provisional ballots voted in the wrong polling place shall not be counted.
175 If the voter is not registered but is qualified to register for future elections, the
176 affidavit shall be considered a [mail] **mail-in** application to register to vote
177 pursuant to this chapter.

178 **7. (1) After the election authority completes its review of the**
179 **provisional voter's eligibility under subsection 5 of this section, the**
180 **election authority shall deliver the provisional ballots and copies of the**

181 provisional ballot envelopes that include eligibility information to
182 bipartisan counting teams, which may be the board of verification, for
183 review and tabulation. The election authority shall maintain a record
184 of such delivery. The record shall include the number of ballots
185 delivered to each team and shall include a signed receipt from two
186 judges, one from each major political party. The election authority
187 shall provide each team with a ballot box and material necessary for
188 tabulation.

189 (2) If the person named on the provisional ballot affidavit is
190 found to have been properly qualified and registered to cast a ballot in
191 the election and the provisional ballot otherwise qualifies to be counted
192 under the provisions of this section, the envelope shall be opened, and
193 the ballot shall be placed in a ballot box to be counted.

194 (3) If the person named on the provisional ballot affidavit is
195 found not to have been properly qualified and registered to cast a
196 ballot in the election or if the election authority is unable to determine
197 such person's right to vote, the envelope containing the provisional
198 ballot shall not be opened, and the person's vote shall not be
199 counted. The members of the team shall follow the procedures set forth
200 in subsection 5 of this section for rejected provisional ballots.

201 (4) The votes shall be tallied and the returns made as provided
202 in sections 115.447 to 115.525 for paper ballots. After the vote on all
203 ballots assigned to a team have been counted, the ballots, ballot
204 envelopes, and copies of ballot envelopes with the eligibility
205 information provided by the election authority shall be enclosed in
206 sealed containers marked "Voted provisional ballots and ballot
207 envelopes from the election held, 20...". All rejected provisional
208 ballots, ballot envelopes, and copies of ballot envelopes with the
209 eligibility information provided by the election authority shall be
210 enclosed in sealed containers marked "Rejected provisional ballots and
211 ballot envelopes from the election held, 20...". On the
212 outside of each voted ballot and rejected ballot container, each member
213 of the team shall write their name and all such containers shall be
214 returned to the election authority. Upon receipt of the returns and
215 ballots, the election authority shall tabulate the provisional votes.

216 8. Challengers and watchers, as provided by sections 115.105 and

217 **115.107, may be present during all times that the bipartisan counting**
218 **teams are reviewing or counting the provisional ballots, the provisional**
219 **ballot envelopes, or copies of the provisional ballot envelopes that**
220 **include eligibility information provided by the election**
221 **authority. Challengers and watchers shall be permitted to observe the**
222 **determination of the eligibility of all provisional ballots. The election**
223 **authority shall notify the county chair of each major political party of**
224 **the time and location when bipartisan counting teams will be reviewing**
225 **or counting the provisional ballots, the provisional ballot envelopes, or**
226 **the copies of the provisional ballot envelopes that include the**
227 **eligibility information provided by the election authority.**

228 **9. The certificate of ballot cards shall:**

- 229 **(1) Reflect the number of provisional envelopes delivered; and**
230 **(2) Reflect the number of sealed provisional envelopes with voted**
231 **ballots deposited in the ballot box.**

232 **[5.] 10.** In counties where the voting system does not utilize a paper
233 ballot, the election authority shall provide the appropriate provisional ballots to
234 each polling place.

235 **[6.] 11.** The secretary of state may promulgate rules for purposes of
236 ensuring the uniform application of this section. No rule or portion of a rule
237 promulgated pursuant to the authority of this section shall become effective
238 unless it has been promulgated pursuant to chapter 536, RSMo.

239 **[7.] 12.** The secretary of state shall design and provide to the election
240 authorities the envelopes and forms necessary to carry out the provisions of this
241 section.

242 **[8.] 13.** Pursuant to the Help America Vote Act of 2002, the secretary of
243 state shall ensure a free access system is established, such as a toll-free number
244 or an Internet web site, that any individual who casts a provisional ballot may
245 access to discover whether the vote of that individual was counted, and, if the
246 vote was not counted, the reason that the vote was not counted. At the time an
247 individual casts a provisional ballot, the election authority shall give the voter
248 written information that states that any individual who casts a provisional ballot
249 will be able to ascertain under such free access system whether the vote was
250 counted, and if the vote was not counted, the reason that the vote was not
251 counted.

252 **[9.] 14.** In accordance with the Help America Vote Act of 2002, any

individual who votes in an election as a result of a court order or any other order extending the time established for closing the polls in section 115.407 may vote only by using a provisional ballot, and such provisional ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order. Such ballots shall not be counted until such time as the ballots are determined to be valid. **No state court shall have jurisdiction to extend the polling hours established by law, including section 115.407.**

115.431. [1. In counties using binders as the precinct register, upon satisfactory identification of the voter, two judges of different political parties shall initial the voter's identification certificate. All identification certificates shall be numbered consecutively by an election judge in the order received, starting with the number "1". The signed identification certificates shall constitute the poll list and shall be securely fastened together in the order received.

2. In counties using computer printouts for precinct registers,] Upon satisfactory identification of the voter, two judges of different political parties shall place their initials on the line where the voter signed the [printout] **precinct register**. All voters' names on the [printout] **precinct register** shall be numbered consecutively in the order in which they have signed, starting with the number "1". The computer [printout] **precinct register** shall then constitute the poll list.

115.439. 1. If paper ballots or ballot cards are used, the voter shall, immediately upon receiving his ballot, go alone to a voting booth and vote his ballot in the following manner:

(1) [If the voter desires to vote a straight party ticket, he may place a cross (X) mark in the circle directly below the party name at the head of the column, or he may place cross (X) marks in the squares directly to the left of the names of candidates on one party ticket;

(2) If the voter desires to vote a split party ticket, he may place a cross (X) mark in the circle directly below one party name at the head of the column and cross (X) marks in the squares directly to the left of the names of candidates on other party tickets, or he may place cross (X) marks in the squares directly to the left of the names of candidates on different party tickets] **When a voter desires to vote for a candidate, the voter shall place a cross (X) mark in the square directly to the left of the name of the candidate for which the voter intends to vote;**

16 [(3)] (2) If the voter desires to vote for a person whose name does not
17 appear on the ballot, [he] **the voter** may cross out a name which appears on the
18 ballot for the office and write the name of the person for whom he wishes to vote
19 above or below the crossed-out name and place a cross (X) mark in the square
20 directly to the left of the crossed-out name. If a write-in line appears on the
21 ballot, [he] **the voter** may write the name of the person for whom he **or she**
22 wishes to vote on the line and place a cross (X) mark in the square directly to the
23 left of the name;

24 [(4) If the ballot does not contain any party designations, the voter shall
25 place a cross (X) mark in the squares directly to the left of the names of the
26 candidates for whom he desires to vote;

27 (5)] (3) If the ballot is one which contains no candidates, the voter shall
28 place a cross (X) mark in the square directly to the left of each "yes" or "no" he
29 desires to vote.

30 No voter shall vote for the same person more than once for the same office at the
31 same election.

32 2. For purposes of this section, a punch or sensor mark or any other mark
33 clearly indicating that the voter intends to mark that particular square shall be
34 equivalent to a cross (X) mark.

35 3. If voting machines are used, the voter shall, immediately upon direction
36 by the judges, go alone to a voting machine, close the curtain and vote in
37 substantially the same manner provided in subsection 1 of this section. Rather
38 than placing cross (X) marks on the ballot, however, the voter shall cause the
39 designations to appear on the face of the voting machine, cast any write-in votes
40 and register his votes as directed in the instructions for use of the machine.

41 4. If the voter accidentally spoils his ballot or ballot card or makes an
42 error, he may return it to an election judge and receive another. The election
43 judge shall mark "SPOILED" across the ballot or ballot card and place it in an
44 envelope marked "SPOILED BALLOTS". After another ballot has been prepared
45 in the manner provided in section 115.433, the ballot shall be given to the voter
46 for voting.

47 5. The election authority may authorize the use of a sticker or other item
48 containing a write-in candidate's name, in lieu of a handwritten name. All such
49 stickers and items used by election authorities shall conform to rules and
50 regulations promulgated by the secretary of state regarding the form of such
51 stickers and items. The secretary of state shall promulgate rules and regulations

52 to prescribe uniform specifications for the form of such stickers and items. If
53 authorized, such sticker or item shall contain a cross (X) mark, or other mark as
54 described in subsection 2 of this section, in the square directly left of the
55 candidate's name and the office for which the candidate is a write-in candidate.
56 A write-in vote that does not meet the requirements of this subsection which
57 appears on a ballot shall not be counted pursuant to sections 115.447 to 115.525.
58 In those jurisdictions using an electronic voting system which utilizes mark sense
59 or optical scan technology and if the election authority authorizes the use of
60 stickers for write-ins, such system shall be programmed to identify and separate
61 those ballots which contain an office in which write-in candidates are eligible to
62 receive votes, and which contain less votes than a voter is entitled to cast. In
63 addition, such sticker shall be considered "printed matter" as defined in
64 subsection 8 of section 130.031, RSMo, and as such shall contain the designation
65 required by subsection 8 of section 130.031, RSMo.

66 6. Any rule or portion of a rule, as that term is defined in section 536.010,
67 RSMo, that is created under the authority delegated in this section shall become
68 effective only if it complies with and is subject to all of the provisions of chapter
69 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
70 536, RSMo, are nonseverable and if any of the powers vested with the general
71 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
72 or to disapprove and annul a rule are subsequently held unconstitutional, then
73 the grant of rulemaking authority and any rule proposed or adopted after August
74 28, 2002, shall be invalid and void.

115.445. 1. Except as provided in subsections 2 and 3 of this section, no
2 one other than the voter shall be permitted in any voting booth or permitted to
3 be in any position where he may see how a voter is voting.

4 2. If any voter, after entering a voting booth, asks for further instructions
5 concerning the manner of voting, two election judges of different political parties
6 shall give such instructions. Such judges shall not enter the voting booth unless
7 it is impossible to give the instructions otherwise. After giving the instructions,
8 the judges shall leave the area and take all necessary measures to insure that the
9 voter casts his vote in secret.

10 3. If any voter declares under oath to the election judges that he cannot
11 read or write, is blind or has any other physical disability and cannot vote his
12 ballot, he may be assisted by the election judges or by any person of his own
13 choice other than a judge. If the voter asks for the assistance of election judges,

14 two judges of different political parties shall go to the voting booth and cast his
15 vote as he directs. If the voter asks for the assistance of someone other than
16 election judges, the assistant shall go to the voting booth with the voter and cast
17 his vote as he directs. No person, other than election judges and members of such
18 voters' immediate families, shall assist more than one voter at one election.

19 **4. A child under the age of eighteen shall be allowed to**
20 **accompany his or her parent, grandparent, or guardian into a voting**
21 **booth.**

115.449. 1. As soon as the polls close in each polling place using paper
2 ballots, the election judges shall begin to count the votes. If earlier counting is
3 begun pursuant to section 115.451, the election judges shall complete the count
4 in the manner provided by this section. Once begun, no count shall be adjourned
5 or postponed until all proper votes have been counted.

6 2. One counting judge, closely observed by the other counting judge, shall
7 take the ballots out of the ballot box one at a time and, holding each ballot in
8 such a way that the other counting judge may read it, shall read the name of each
9 candidate properly voted for and the office sought by each. As each vote is called
10 out, the recording judges shall each record the vote on a tally sheet. The votes
11 for and against all questions shall likewise be read and recorded. [In a general
12 election, the counting judges may separate the straight party ballots from the
13 split party ballots and first read one and then the other.] If more than one
14 political subdivision or special district is holding an election on the same day at
15 the same polling place and using separate ballots, the counting judges may
16 separate the ballots of each political subdivision and special district and first read
17 one set, then the next and so on until all proper votes have been counted.

18 3. After all of the proper votes on a ballot have been counted, the ballot
19 shall be strung on a wire or string in the order read. After all the ballots have
20 been read and strung and after the recording judges agree on the count, the wire
21 or string shall be tied in a firm knot, and the knot shall be sealed so that it
22 cannot be untied without breaking the seal. Rejected and spoiled ballots shall not
23 be strung but shall be placed in separate containers marked "REJECTED" and
24 "SPOILED".

25 4. After the recording of all proper votes, the recording judges shall
26 compare their tallies. When the recording judges agree on the count, they shall
27 sign both of the tally sheets, and one of the recording judges shall announce in
28 a loud voice the total number of votes for each candidate and for and against each

29 question.

30 5. After the announcement of the vote, the election judges shall record the
31 vote totals in the appropriate places on each statement of returns. If any tally
32 sheet or statement of returns contains no heading for any question, the election
33 judges shall write the necessary headings on the tally sheet or statement of
34 returns.

115.453. Election judges shall count votes for all candidates in the
2 following manner:

3 (1) [If a cross (X) mark appears in the circle immediately below a party
4 name at the head of a column, each candidate of the party shall be counted as
5 voted for. If a cross (X) mark appears in the circle immediately below more than
6 one party name,] No candidate shall be counted as voted for, except a candidate
7 before whose name a cross (X) mark appears in the square preceding the name
8 and a cross (X) mark does not appear in the square preceding the name of any
9 candidate for the same office in another column. [If a cross (X) mark appears in
10 the circle immediately below a party name at the head of a column, and a cross
11 (X) mark appears in the square next to the name of any candidate in another
12 column, each candidate of the party whose circle is marked shall be counted as
13 voted for, except where a cross (X) mark appears in the square preceding the
14 name of any candidate in another column.] Except as provided in this subdivision
15 and subdivision (2) of this section, each candidate with a cross (X) mark in the
16 square preceding his or her name shall be counted as voted for.

17 (2) [If no cross (X) mark appears in the circle immediately below any
18 party name, but a cross (X) mark does appear in the square next to any
19 candidate's name, the name of each candidate next to which a cross (X) mark
20 appears shall be counted as voted for, and no other name shall be counted as
21 voted for.] If cross (X) marks appear next to the names of more candidates for an
22 office than are entitled to fill the office, no candidate for the office shall be
23 counted as voted for. If more than one candidate is to be nominated or elected to
24 an office, and any voter has voted for the same candidate more than once for the
25 same office at the same election, no votes cast by the voter for the candidate shall
26 be counted.

27 (3) No vote shall be counted for any candidate that is not marked
28 substantially in accordance with the provisions of this section. The judges shall
29 count votes marked substantially in accordance with this section **and section**
30 **115.456** when the intent of the voter seems clear. Regulations promulgated by

31 the secretary of state shall be used by the judges to determine voter intent. No
32 ballot containing any proper votes shall be rejected for containing fewer marks
33 than are authorized by law.

34 (4) Write-in votes shall be counted only for candidates for election to office
35 who have filed a declaration of intent to be a write-in candidate for election to
36 office with the proper election authority, who shall then notify the proper filing
37 officer of the write-in candidate prior to 5:00 p.m. on the second Friday
38 immediately preceding the election day; except that, write-in votes shall be
39 counted only for candidates for election to state or federal office who have filed
40 a declaration of intent to be a write-in candidate for election to state or federal
41 office with the secretary of state pursuant to section 115.353 prior to 5:00 p.m. on
42 the second Friday immediately preceding the election day. No person who filed
43 as a party or independent candidate for nomination or election to an office may,
44 without withdrawing as provided by law, file as a write-in candidate for election
45 to the same office for the same term. No candidate who files for nomination to
46 an office and is not nominated at a primary election may file a declaration of
47 intent to be a write-in candidate for the same office at the general election. When
48 declarations are properly filed with the secretary of state, the secretary of state
49 shall promptly transmit copies of all such declarations to the proper election
50 authorities for further action pursuant to this section. The election authority
51 shall furnish a list to the election judges and counting teams prior to election day
52 of all write-in candidates who have filed such declaration. This subdivision shall
53 not apply to elections wherein candidates are being elected to an office for which
54 no candidate has filed.

55 (5) Write-in votes shall be cast and counted for a candidate without party
56 designation. Write-in votes for a person cast with a party designation shall not
57 be counted. Except for candidates for political party committees, no candidate
58 shall be elected as a write-in candidate unless such candidate receives a separate
59 plurality of the votes without party designation regardless of whether or not the
60 total write-in votes for such candidate under all party and without party
61 designations totals a majority of the votes cast.

62 (6) When submitted to the election authority, each declaration of intent
63 to be a write-in candidate for the office of United States president shall include
64 the name of a candidate for vice president and the name of nominees for
65 presidential elector equal to the number to which the state is entitled. At least
66 one qualified resident of each congressional district shall be nominated as

67 presidential elector. Each such declaration of intent to be a write-in candidate
68 shall be accompanied by a declaration of candidacy for each presidential elector
69 in substantially the form set forth in subsection 3 of section 115.399. Each
70 declaration of candidacy for the office of presidential elector shall be subscribed
71 and sworn to by the candidate before the election official receiving the declaration
72 of intent to be a write-in, notary public or other officer authorized by law to
73 administer oaths.

115.456. 1. The election authority shall be responsible for
2 ensuring that the standards provided for in this subsection are
3 followed when counting ballots cast using punch card voting systems.

4 (1) Prior to tabulating ballots, all ballot cards shall be inspected
5 by the election authority for hanging chad and damaged
6 ballots. Inspection of ballot cards shall be conducted using the
7 following guidelines:

8 (a) The election authority shall appoint a bipartisan team to
9 inspect all ballots where a question exists about the condition of a
10 ballot or existence of a hanging chad;

11 (b) All ballot card inspections conducted under this section shall
12 be conducted by examining the ballot card from the back of the card;

13 (c) If a ballot is determined to be damaged, the bipartisan team
14 shall spoil the original ballot and duplicate the voter's intent on the
15 new ballot, provided that there is an undisputed method of matching
16 the duplicate card with its original after it has been placed with the
17 remainder of the ballot cards from the precinct; and

18 (d) If a chad is determined to be hanging by two or less corners,
19 it shall be removed prior to being tabulated.

20 (2) In jurisdictions using punch card systems, a valid vote for a
21 write-in candidate shall include the following:

22 (a) A distinguishing mark in the square immediately preceding
23 the name of the candidate;

24 (b) The name of the candidate. If the name of the candidate as
25 written by the voter is substantially as declared by the candidate it
26 shall be counted, or in those circumstances where the names of
27 candidates are similar, the names of candidates as shown on voter
28 registration records shall be counted; and

29 (c) The name of the office for which the candidate is to be

30 elected.

31 (3) Whenever a hand recount of votes is ordered of punch card
32 ballots, the provisions of this subsection shall be used to determine
33 voter intent.

34 2. The election authority shall be responsible for ensuring that
35 the standards provided for in this subsection are followed when
36 counting ballots cast using optical scan voting systems.

37 (1) Prior to tabulating ballots, all machines shall be programmed
38 to reject blank ballots where no votes are recorded or where an
39 overvote is registered in any race.

40 (2) In jurisdictions using precinct-based tabulators, the voter
41 who cast the ballot shall review the ballot if rejected, if the voter
42 wishes to make any changes to the ballot, or if the voter would like to
43 spoil the ballot and receive another ballot.

44 (3) In jurisdictions using centrally based tabulators, if a ballot
45 is so rejected it shall be reviewed by a bipartisan team using the
46 following criteria:

47 (a) If a ballot is determined to be damaged, the bipartisan team
48 shall spoil the original ballot and duplicate the voter's intent on the
49 new ballot, provided that there is an undisputed method of matching
50 the duplicate card with its original after it has been placed with the
51 remainder of the ballot cards from such precinct; and

52 (b) Voter intent shall be determined using the following criteria:

53 a. There is a distinguishing mark in the printed oval or divided
54 arrow adjacent to the name of the candidate or issue preference;

55 b. There is a distinguishing mark adjacent to the name of the
56 candidate or issue preference; or

57 c. The name of the candidate or issue preference is circled.

58 (4) In jurisdictions using optical scan systems, a valid vote for a
59 write-in candidate shall include the following:

60 (a) A distinguishing mark in the designated location preceding
61 the name of the candidate;

62 (b) The name of the candidate. If the name of the candidate as
63 written by the voter is substantially as declared by the candidate it
64 shall be counted, or in those circumstances where the names of
65 candidates are similar, the names of candidates as shown on voter

66 registration records shall be counted; and

67 (c) The name of the office for which the candidate is to be
68 elected.

69 (5) Whenever a hand recount of votes of optical scan ballots is
70 ordered, the provisions of this subsection shall be used to determine
71 voter intent.

72 3. The election authority shall be responsible for ensuring that
73 the standards provided for in this subsection are followed when
74 counting ballots cast using paper ballots.

75 (1) Voter intent shall be determined using the following criteria:

76 (a) There is a distinguishing mark in the square adjacent to the
77 name of the candidate or issue preference;

78 (b) There is a distinguishing mark adjacent to the name of the
79 candidate or issue preference; or

80 (c) The name of the candidate or issue preference is circled.

81 (2) In jurisdictions using paper ballots, a valid vote for a write-in
82 candidate shall include the following:

83 (a) A distinguishing mark in the square immediately preceding
84 the name of the candidate;

85 (b) The name of the candidate. If the name of the candidate as
86 written by the voter is substantially as declared by the candidate it
87 shall be counted, or in those circumstances where the names of
88 candidates are similar, the names of candidates as shown on voter
89 registration records shall be counted; and

90 (c) The name of the office for which the candidate is to be
91 elected.

92 (3) Whenever a hand recount of votes of paper ballots is ordered,
93 the provisions of this subsection shall be used to determine voter
94 intent.

95 4. When write-in stickers are used, the sticker shall contain the
96 name of a candidate, the office sought, and a distinguishing mark in the
97 square immediately preceding the name of the candidate and shall be
98 approximately one inch by three inches in size with black print on a
99 white background. The sticker shall be placed by the voter on the
100 write-in line designating the office sought or the sticker shall be placed
101 by the voter on the write-in line on the secrecy envelope.

102 **5. Notwithstanding any other provision of law, a distinguishing**
103 **mark indicating a general preference for or against the candidates of**
104 **one political party shall not be considered a vote for or against any**
105 **specific candidate.**

115.631. The following offenses, and any others specifically so described
2 by law, shall be class one election offenses and are deemed felonies connected
3 with the exercise of the right of suffrage. Conviction for any of these offenses
4 shall be punished by imprisonment of not more than five years or by fine of not
5 less than two thousand five hundred dollars but not more than ten thousand
6 dollars or by both such imprisonment and fine:

7 (1) Willfully and falsely making any certificate, affidavit, or statement
8 required to be made pursuant to any provision of sections 115.001 to 115.641 and
9 sections 51.450 and 51.460, RSMo, including but not limited to statements
10 specifically required to be made "under penalty of perjury"; or in any other
11 manner knowingly furnishing false information to an election authority or
12 election official engaged in any lawful duty or action in such a way as to hinder
13 or mislead the authority or official in the performance of official duties. If an
14 individual willfully and falsely makes any certificate, affidavit, or statement
15 required to be made under section 115.155, including but not limited to
16 statements specifically required to be made "under penalty of perjury", such
17 individual shall be guilty of a class C felony;

18 (2) Voting more than once or voting at any election knowing that the
19 person is not entitled to vote or that the person has already voted on the same
20 day at another location inside or outside the state of Missouri;

21 (3) Procuring any person to vote knowing the person is not lawfully
22 entitled to vote or knowingly procuring an illegal vote to be cast at any election;

23 (4) Applying for a ballot in the name of any other person, whether the
24 name be that of a person living or dead or of a fictitious person, or applying for
25 a ballot in his own or any other name after having once voted at the election
26 inside or outside the state of Missouri;

27 (5) Aiding, abetting or advising another person to vote knowing the person
28 is not legally entitled to vote or knowingly aiding, abetting or advising another
29 person to cast an illegal vote;

30 (6) An election judge knowingly causing or permitting any ballot to be in
31 the ballot box at the opening of the polls and before the voting commences;

32 (7) Knowingly furnishing any voter with a false or fraudulent or bogus

33 ballot, or knowingly practicing any fraud upon a voter to induce him to cast a
34 vote which will be rejected, or otherwise defrauding him of his vote;

35 (8) An election judge knowingly placing or attempting to place or
36 permitting any ballot, or paper having the semblance of a ballot, to be placed in
37 a ballot box at any election unless the ballot is offered by a qualified voter as
38 provided by law;

39 (9) Knowingly placing or attempting to place or causing to be placed any
40 false or fraudulent or bogus ballot in a ballot box at any election;

41 (10) Knowingly removing any legal ballot from a ballot box for the purpose
42 of changing the true and lawful count of any election or in any other manner
43 knowingly changing the true and lawful count of any election;

44 (11) Knowingly altering, defacing, damaging, destroying or concealing any
45 ballot after it has been voted for the purpose of changing the lawful count of any
46 election;

47 (12) Knowingly altering, defacing, damaging, destroying or concealing any
48 poll list, report, affidavit, return or certificate for the purpose of changing the
49 lawful count of any election;

50 (13) On the part of any person authorized to receive, tally or count a poll
51 list, tally sheet or election return, receiving, tallying or counting a poll list, tally
52 sheet or election return the person knows is fraudulent, forged or counterfeit, or
53 knowingly making an incorrect account of any election;

54 (14) On the part of any person whose duty it is to grant certificates of
55 election, or in any manner declare the result of an election, granting a certificate
56 to a person the person knows is not entitled to receive the certificate, or declaring
57 any election result the person knows is based upon fraudulent, fictitious or illegal
58 votes or returns;

59 (15) Willfully destroying or damaging any official ballots, whether marked
60 or unmarked, after the ballots have been prepared for use at an election and
61 during the time they are required by law to be preserved in the custody of the
62 election judges or the election authority;

63 (16) Willfully tampering with, disarranging, altering the information on,
64 defacing, impairing or destroying any voting machine or marking device after the
65 machine or marking device has been prepared for use at an election and during
66 the time it is required by law to remain locked and sealed with intent to impair
67 the functioning of the machine or marking device at an election, mislead any
68 voter at the election, or to destroy or change the count or record of votes on such

69 machine;

70 (17) Registering to vote knowing the person is not legally entitled to
71 register or registering in the name of another person, whether the name be that
72 of a person living or dead or of a fictitious person;

73 (18) Procuring any other person to register knowing the person is not
74 legally entitled to register, or aiding, abetting or advising another person to
75 register knowing the person is not legally entitled to register;

76 (19) Knowingly preparing, altering or substituting any computer program
77 or other counting equipment to give an untrue or unlawful result of an election;

78 (20) On the part of any person assisting a blind or disabled person to vote,
79 knowingly failing to cast such person's vote as such person directs;

80 (21) On the part of any registration or election official, permitting any
81 person to register to vote or to vote when such official knows the person is not
82 legally entitled to register or not legally entitled to vote;

83 (22) On the part of a notary public acting in his official capacity,
84 knowingly violating any of the provisions of sections 115.001 to 115.627 or any
85 provision of law pertaining to elections;

86 (23) Violation of any of the provisions of sections 115.275 to 115.303, or
87 of any provision of law pertaining to absentee voting;

88 (24) Assisting a person to vote knowing such person is not legally entitled
89 to such assistance, or while assisting a person to vote who is legally entitled to
90 such assistance, in any manner coercing, requesting or suggesting that the voter
91 vote for or against, or refrain from voting on any question, ticket or candidate;

92 **(25) Engaging in any act of violence, destruction of property**
93 **having a value of five hundred dollars or more, or threatening an act**
94 **of violence with the intent of denying a person's lawful right to vote or**
95 **to participate in the election process; and**

96 **(26) Knowingly providing false information about election**
97 **procedures for the purpose of preventing any person from going to the**
98 **polls.**

[115.126. 1. Notwithstanding any provision of this chapter
2 to the contrary, election authorities shall establish a plan to
3 implement an advance voting period when eligible registered voters
4 may vote before any general election in presidential election years
5 at the office of the election authority and up to four other polling
6 places designated by and under the control of the election

7 authority. Such plan shall provide that the permissible advance
8 voting period shall begin fourteen days prior to such election and
9 end at 5:00 p.m. on the Wednesday before the day of such election.

10 2. Election authorities shall, pursuant to subsection 1 of
11 this section, establish in their plans the hours and locations for
12 advance voting. The election authority shall have all advance
13 voting locations open on all business days during the advance
14 voting period, and may have all advance voting locations open on
15 Saturdays, Sundays and holidays during the advance voting period.

16 3. Except as provided in this section, advance voting
17 procedures shall be conducted pursuant to sections 115.407 to
18 115.445. The secretary of state shall design the necessary
19 application for use in an advance voting program pursuant to this
20 section. All election authorities in this state shall submit to the
21 secretary of state a plan to implement the advance voting period by
22 December 31, 2002. The secretary of state shall assist election
23 authorities in developing a plan for the implementation of an
24 advance voting program.

25 4. The plans established pursuant to this section shall also
26 require that before the precinct registers are delivered to the
27 polling places for an election, the election authority shall record in
28 the precinct registers the names of all voters who have submitted
29 an advance voting ballot. The election judge shall not allow any
30 person who has voted an advance voting ballot in the election to
31 vote at the polls on election day. If it is determined that any voter
32 submitted an advance voting ballot and voted at the polls on
33 election day, such person, having voted more than once, is guilty of
34 a class one election offense pursuant to subdivision (2) of section
35 115.631.

36 5. The secretary of state may promulgate rules to effectuate
37 the provisions of this section.

38 6. Any rule or portion of a rule, as that term is defined in
39 section 536.010, RSMo, that is created under the authority
40 delegated in this section shall become effective only if it complies
41 with and is subject to all of the provisions of chapter 536, RSMo,
42 and, if applicable, section 536.028, RSMo. This section and chapter

43 536, RSMo, are nonseverable and if any of the powers vested with
44 the general assembly pursuant to chapter 536, RSMo, to review, to
45 delay the effective date or to disapprove and annul a rule are
46 subsequently held unconstitutional, then the grant of rulemaking
47 authority and any rule proposed or adopted after August 28, 2002,
48 shall be invalid and void.]

[115.223. Whenever a voter's name has been removed from
2 the registration records by an election authority, the voter may
3 appeal the removal to the circuit court. Unless prohibited by court
4 rule, the petition may be filed in an associate circuit court
5 division. No formal pleading shall be required, and it shall be
6 sufficient for the voter to present to the court an application
7 verified by affidavit setting forth that his name has been removed
8 from the registration records, the date of such removal, and any
9 other information showing his qualification to vote. The
10 application shall first be presented to the election authority, which
11 shall either restore the voter's name to the registration records or
12 furnish a statement showing the reason the voter's name was
13 removed from the records. The court shall hear and dispose of such
14 application forthwith. Evidence may be introduced for and against
15 the application. If the court sustains the application, the court
16 shall notify the election authority of its action, and the election
17 authority shall restore the applicant's name to the registration
18 records and note that it was restored by order of the court. No
19 person whose name is restored to the registration records by order
20 of the court shall be protected by such order if he is challenged or
21 prosecuted for false registration or false voting. If a voter's name
22 is restored to the registration records by the election authority or
23 by order of the court on election day, the voter shall be permitted
24 to vote in the office of the election authority.]

Section B. Because of the need to provide the citizens of this state
2 adequate time to transition into the voter identification provisions required by
3 section A of this act, the repeal and reenactment of section 115.427 of section A
4 of this act is deemed necessary for the immediate preservation of the public
5 health, welfare, peace and safety, and is hereby declared to be an emergency act
6 within the meaning of the constitution, and the repeal and reenactment of section

7 115.427 of section A of this act shall be in full force and effect upon its passage
8 and approval.

✓

Unofficial

Bill

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